

Martha G. Bronitsky  
Chapter 13 Standing Trustee  
Po Box 5004  
Hayward, CA 94540  
(510) 266- 5580

Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re

Matt Ondoy Magana  
Daisy Pacho Magana

Debtors(s)

Chapter 13 Case Number:  
15-43871-CN 13

**Notice of Chapter 13 Plan Payments  
/ Action Required by Debtor(s)**

The trustee received the attached "Notice of Mortgage Payment Change" (hereafter "NPC") dated 02/08/2019 with respect to claim #15-2 filed by creditor Summit Funding Inc. Our records reflect that the monthly mortgage payment is being paid by the Chapter 13 Trustee pursuant to the Mortgage Modification Mediation ("MMM") Program.

The NPC indicates that the Debtor's monthly mortgage payment has increased from \$2,941.00 to \$3,009.35. The Trustee has correspondingly increased the fixed payment due on this claim and the overall plan payment. According to section 5.01(b) of the confirmed plan,

*"If the holder of a claim specified in Section 5.01 above provides the Debtor and Trustee with notice of a payment change in accordance with Federal Rule of Bankruptcy Procedure 3002.1(b), then Debtor shall adjust the plan payment accordingly and is not required to file a motion to modify the plan to provide for such payment change."*

1 Based on this increase to the Debtor's on-going mortgage payment, the plan payment  
2 must increase to \$4,074.09 effective with the February 2019 plan payment. This amount  
3 reflects the additional amount added to the on-going mortgage payment as well as the  
4 additional Trustee's fees on that additional amount.

5 Failure to increase the plan payment accordingly will result in a motion to dismiss.

6 Date: February 14, 2019

/s/ Martha G. Bronitsky

7 \_\_\_\_\_  
8 Signature of Martha G. Bronitsky  
9 Chapter 13 Standing Trustee  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 In re

2 Matt Ondoy Magana

3 Daisy Pacho Magana

debtor(s)

Chapter 13 Case No. 15-43871-CN 13

---

CERTIFICATE OF SERVICE

---

4 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the  
5 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the  
6 registered agent for the creditor by depositing it in the United States mail with first class  
7 postage attached thereto.

8 Matt Ondoy Magana  
9 Daisy Pacho Magana  
3143 San Bernardino Way  
Union City,CA 94587

Nathan D Borris Atty  
1380 A Street  
Hayward,CA 94541

(Counsel for Debtor)

(Debtor(s))

11 I declare under penalty of perjury under the laws of the State of California that the foregoing  
12 is true and correct.

13 Date: February 14, 2019

/s/ Denise Kinloch

Denise Kinloch

**Fill in this information to identify the case:**

Debtor 1 Matt Ondoy Magana

Debtor 2 Daisy Pacho Magana  
(Spouse, if filing)

United States Bankruptcy Court for the Northern District of California  
(State)

Case number 15-43871-CN

**Official Form 410S1**

**Notice of Mortgage Payment Change**

12/15

If the debtor's plan provides for payment of post-petition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of Creditor: SUMMIT FUNDING, INC.

Court claim No. (if known): 15

Last 4 digits of any number you  
use to identify the debtor's account: 1354

Date of payment change:  
Must be at least 21 days after date  
of this notice 3/1/2019(\*)

New total payment:  
Principal, interest, and escrow, if any \$ 3,009.35

**Part 1:**

**Escrow Account Payment Adjustment**

1. Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable non-bankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_

Current escrow payment: \$ 1,220.05 (\*\*) New escrow payment: \$ 1,288.40

**Part 2:**

**Mortgage Payment Adjustment**

2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_ % New interest rate: \_\_\_\_\_ %

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

**Part 3:**

**Other Payment Change**

3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

Debtor 1      Matt Ondoy Magana  
First Name      Middle Name      Last Name

Case Number (if known)      15-43871-CN

**Part 4:**

**Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

- ☐ I am the creditor.  
☒ I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

**X**

/s/ Arnold L. Graff  
Signature

Date      February 6, 2019

Print:      Arnold L. Graff  
First Name      Middle Name      Last Name

Title:      Agent for Creditor

Company:      Aldridge Pite, LLP

Address:      4375 Jutland Dr. Suite 200; P.O. Box 17933  
Number      Street

San Diego      CA      92177  
City      State      Zip Code

Contact phone      858 750 7600

Email      agraff@aldridgepite.com

\*This notice of payment change is being filed in the interest of completeness in the court record. The effective date on this analysis was scheduled to be prior to the filing of this notice. In order to comply in good faith with FRBP 3002.1(b), Summit will adjust the effective date to 3/1/2019. Further, Summit shall credit the Debtors for the unnoticed increase in monthly payments for the months of 10/1/2018 through 2/1/2019.

\*\*To the extent any prior changes in the payments under the terms of the loan documents and/or escrow adjustments were not noticed in this Court pursuant to Bankruptcy Rule 3002.1 after December 1, 2011 or the Petition Date (whichever is later), Summit will credit the Debtors, as appropriate, to give the debtor the benefit of any lower payment amount as provided under the loan documents, escrow analysis, or a notice previously filed with this Court. This credit represents the total of the increases in the monthly payments that were not noticed in this Court pursuant to Bankruptcy Rule 3002.1 and will compensate the Debtor for the previously unfiled notice(s).



For Return Mail Only:  
P.O. BOX 619063, DALLAS, TX 75261-9063

Representation of Printed Document

08/01/18

DAISY MAGANA  
MATT MAGANA  
MAGANA  
C/O NATHAN D. BORRIS ATTORNEY  
21550 FOOTHILL BLVD 2ND FL  
HAYWARD CA 94541

#### ANNUAL ESCROW ACCOUNT DISCLOSURE STATEMENT

As you know, we are required to maintain an escrow account which is used to pay your real estate taxes and/or insurance premiums. This account must be analyzed annually to determine whether enough funds are being collected monthly, and whether the account has a shortage or surplus based on the anticipated activity.

##### PRESENT MORTGAGE PAYMENT

Your present payment consists of:	Principal & Int	\$1,720.95
	Escrow/Impound	\$1,225.95
<b>Total Mortgage Payment</b>		<b>\$2,946.90</b>

##### ANTICIPATED ANNUAL DISBURSEMENTS

These are the escrow items we anticipate we will collect for or pay on your behalf in the upcoming 12 month period. The dollar amount shown may be the last amount actually paid for that item, or may project the amount due as defined by Federal Law. Based on these anticipated disbursements, the amount of your escrow deposit is calculated and displayed here.

Bills due in the upcoming year:	MORTGAGE INS	\$5,698.56
	COUNTY TAX	\$8,359.22
	HAZARD INS	\$786.00

<b>Total Anticipated Annual Disbursements:</b>	<b>\$14,843.78</b>	<b>One-Twelfth/Monthly Amount</b>	<b>\$1,236.98</b>
--	--------------------	-----------------------------------	-------------------

##### ACCOUNT HISTORY

The following statement of activity in your escrow account from 06/2017 through 09/2018 displays actual activity as it occurred on your escrow account during that period. If you received Account Projections with a prior analysis, they are included again here for comparison.

Month	Payments		Disbursements		Description	Projected Escrow	Actual Escrow
	Projected	Actual	Projected	Actual		Account Balance	Account Balance
					Beginning Balance	\$2,963.94	\$2,144.12
June	1,225.95	*	484.97	*	RBP-FHA MONT	3,704.92	2,144.12
June			834.00	*	HAZ INSURANC	2,870.92	2,144.12
June				484.97 *	RBP-FHA MONT	2,870.92	1,659.15
July	1,225.95	1,234.85 *	484.97	484.97	RBP-FHA MONT	3,611.90	2,409.03
August	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	4,352.88	3,643.88
August				474.88 *	RBP-FHA MONT	4,352.88	3,169.00
September	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	5,093.86	4,403.85
September				474.88 *	RBP-FHA MONT	5,093.86	3,928.97
October	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	5,834.84	5,163.82
October				474.88 *	RBP-FHA MONT	5,834.84	4,688.94
November	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	6,575.82	5,923.79
November			4,028.89	4,179.61 *	COUNTY TAXES	2,546.93	1,744.18
November				474.88 *	RBP-FHA MONT	2,546.93	1,269.30
December	1,225.95	1,285.92 *	484.97	*	RBP-FHA MONT	3,287.91	2,555.22
December				474.88 *	RBP-FHA MONT	3,287.91	2,080.34
January	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	4,028.89	3,315.19
January				474.88 *	RBP-FHA MONT	4,028.89	2,840.31
February	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	4,769.87	4,075.16
February				474.88 *	RBP-FHA MONT	4,769.87	3,600.28
March	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	5,510.85	4,835.13
March			4,028.89	4,179.61 *	COUNTY TAXES	1,481.96	655.52
March				474.88 *	RBP-FHA MONT	1,481.96	180.64
April	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	2,222.94	1,415.49

##### SHORTAGE

Customer Name: DAISY MAGANA  
MATT MAGANA

Shortage Amount: \$617.02

If you prefer to pay your escrow shortage of \$617.02 in a lump sum, please make your check payable to Summit Funding, Inc. and return with this coupon. Your new mortgage payment would then be \$2,957.93. Please include your loan number on your check, and send to:

Summit Funding, Inc.  
ATTN: ESCROW DEPARTMENT  
500 SOUTH BROAD STREET SUITE 100A  
MERIDEN, CT 06450-6775

Internet Reprint

**\*\*\* CONTINUATION \*\*\***

	Payments		Disbursements			Projected Escrow	Actual Escrow
Month	Projected	Actual	Projected	Actual	Description	Account Balance	Account Balance
*** CONTINUED ON REVERSE SIDE ***							
April				474.88 *	RBP-FHA MONT	2,222.94	940.61
May	1,225.95	1,234.85 *	484.97	*	RBP-FHA MONT	2,963.92	2,175.46
May				474.88 *	RBP-FHA MONT	2,963.92	1,700.58
May				474.88 *	RBP-FHA MONT	2,963.92	1,225.70
May				786.00 *	HAZ INSURANC	2,963.92	439.70
June		14.26 *		474.88 *	RBP-FHA MONT	2,963.92	-20.92
July		2,461.51 *		474.88 *	RBP-FHA MONT	2,963.92	1,965.71
August		2,451.90 *E		474.88 *	RBP-FHA MONT	2,963.92	3,942.73
September		1,225.95 *E		474.88 *	RBP-FHA MONT	2,963.92	4,693.80

An asterisk (\*) beside an amount indicates a difference from projected activity either in the amount or the date. The letter E beside an amount indicates that the payment or disbursement has not yet occurred, but is estimated to occur as shown.

**ACCOUNT PROJECTIONS**

The following estimate of activity in your escrow account from 10/18 to 10/19 is provided for your information. All payments we anticipate receiving as well as disbursements we anticipate making on your behalf are included, along with the Projected Escrow Account balance, derived by carrying forward your current actual escrow balance. The required Escrow Account Balance displays the amount actually required to be on hand as specified by Federal Law, State Law, or your mortgage documents, and may include a cushion of up to 1/6th of your Annual Disbursements. Please retain this statement for comparison with the actual activity in your account at the end of the next escrow account computation year.

Month	Anticipated Amount		Description	Projected Escrow	Required Escrow
	To Escrow	From Escrow		Account Balance	Account Balance
			<b>Beginning Balance</b>	<b>4,693.80</b>	<b>5,310.82</b>
October	1,236.98	-474.88	RBP-FHA MONT	5,455.90	6,072.92
November	1,236.98	-474.88	RBP-FHA MONT	6,218.00	6,835.02
November		-4,179.61	COUNTY TAXES	2,038.39	2,655.41
December	1,236.98	-474.88	RBP-FHA MONT	2,800.49	3,417.51
January	1,236.98	-474.88	RBP-FHA MONT	3,562.59	4,179.61
February	1,236.98	-474.88	RBP-FHA MONT	4,324.69	4,941.71
March	1,236.98	-474.88	RBP-FHA MONT	5,086.79	5,703.81
March		-4,179.61	COUNTY TAXES	907.18	1,524.20
April	1,236.98	-474.88	RBP-FHA MONT	1,669.28	2,286.30
May	1,236.98	-474.88	RBP-FHA MONT	2,431.38	3,048.40
June	1,236.98	-474.88	RBP-FHA MONT	3,193.48	3,810.50
June		-786.00	HAZ INSURANC	2,407.48	3,024.50
July	1,236.98	-474.88	RBP-FHA MONT	3,169.58	3,786.60
August	1,236.98	-474.88	RBP-FHA MONT	3,931.68	4,548.70
September	1,236.98	-474.88	RBP-FHA MONT	4,693.78	5,310.80

**Your Projected Escrow Account Balance as of 10/01/18 is \$4,693.80. Your Required Beginning Escrow Balance according to this analysis should be \$5,310.82.**

This means you have a Shortage of \$617.02. Per Federal Law, the shortage may be collected from you over 12 months or more unless it is less than 1 month's deposit, in which case we have the additional option of requesting payment within 30 days. We will collect the shortage over 12 months. Once during this period, your Required Escrow Account Balance should be reduced to \$1,524.20, as shown in March. This amount represents the cushion selected by us as allowed by your mortgage contract, Federal and State Law.

<b>NEW MORTGAGE PAYMENT</b>			
Your new payment consists of:	Principal & Int		\$1,720.95
	Escrow/Impound		\$1,236.98
	Shortage Spread		\$51.42
<b>New Mortgage Payment</b>	<b>Beginning</b>	<b>10/01/18</b>	<b>\$3,009.35</b>

Should you have any questions about this Escrow Analysis, please call our Customer Service Department toll-free at (866) 685-7990. Any notices of error or information requests must be sent in writing to: Summit Funding, Inc. ATTN: Customer Care 500 S. Broad St. Suite 100A Meriden, CT 06450. TO THE EXTENT THE FAIR DEBT COLLECTION PRACTICES ACT IS APPLICABLE, PLEASE BE ADVISED THAT THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED BY VIRTUE OF IT WILL BE USED FOR THAT PURPOSE. IF YOU ARE CURRENTLY INVOLVED IN A BANKRUPTCY PROCEEDING PLEASE NOTIFY US IMMEDIATELY. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN A BANKRUPTCY PROCEEDING, PLEASE BE ADVISED THAT THIS NOTICE IS NOT INTENDED TO COLLECT AGAINST YOU PERSONALLY OR INDICATE THAT YOU ARE PERSONALLY LIABLE FOR THIS DEBT. IT IS REQUIRED SO THAT WE MAY ENFORCE OUR LIEN RIGHTS WITH RESPECT TO THE ABOVE-REFERENCED PROPERTY.

**FOR TEXAS RESIDENTS: COMPLAINTS REGARDING THE SERVICING OF YOUR MORTGAGE SHOULD BE SENT TO THE DEPARTMENT OF SAVINGS AND MORTGAGE LENDING, 2601 NORTH LAMAR, SUITE 201, AUSTIN, TX 78705. A TOLL-FREE CONSUMER HOTLINE IS AVAILABLE AT 877-276-5550. A complaint form and instructions may be downloaded and printed from the Department's website located at [www.sml.texas.gov](http://www.sml.texas.gov) or obtained from the department upon request by mail at the address above, by telephone at its toll-free consumer hotline listed above, or by email at [smlinfo@sml.texas.gov](mailto:smlinfo@sml.texas.gov)**



P.O. BOX 619063, DALLAS, TX 75261-9063

REPRESENTATION OF PRINTED DOCUMENT  
Representation of Printed Document

0/0/0



DAISY MAGANA  
MATT MAGANA  
MAGANA  
C/O NATHAN D. BORRIS ATTORNEY  
21550 FOOTHILL BLVD 2ND FL  
HAYWARD CA 94541



*FOR NEW YORK RESIDENTS: Please be advised that your mortgage servicer is registered with the Superintendent of Financial Services for the State of New York. Borrowers may file complaints about their mortgage servicer with the New York State Department of Financial Services. Borrowers may also obtain further information from the New York State Department by calling the Department's Consumer Assistance Unit at 1-800-342-3736 or by visiting the Department's website at [www.dfs.ny.gov](http://www.dfs.ny.gov). A list of non-profit housing counselors can be found at [http://www.dfs.ny.gov/consumer/mortg\\_nys\\_np\\_counseling\\_agencies.htm](http://www.dfs.ny.gov/consumer/mortg_nys_np_counseling_agencies.htm).*



Jamie D. Hanawalt (SBN 309934)  
jhanawalt@aldridgepite.com  
Joseph C. Delmotte (SBN 259460)  
jdelmotte@aldridgepite.com  
**ALDRIDGE PITE, LLP**  
4375 Jutland Drive, Suite 200  
P.O. Box 17933  
San Diego, CA 92177-0933  
Telephone: (858) 750-7600  
Facsimile: (619) 590-1385

Attorneys for  
GNMA II - SUMMIT FUNDING

**UNITED STATES BANKRUPTCY COURT**

**NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

In re

DAISY PACHO MAGANA,  
Debtors.

Case No. 15-43871-CN

Chapter 13

**PROOF OF SERVICE**

I, Lauren Timby, declare that:

I am employed by Aldridge Pite, LLP. My business address is: Fifteen Piedmont Center, 3575 Piedmont Road, N.E., Suite 500, Atlanta, GA 30305. I am over the age of eighteen years and not a party to this case.

On February 8, 2019, I caused the following documents:

• **Notice of Mortgage Payment Change;**

to be served in said cause by placing a copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at San Diego, California, and/or via electronic means pursuant to Bankruptcy Local Rule 9013-3(c) as follows:

///

///

///

///

///

**DEBTORS**

Matt Ondoy Magana  
Daisy Pacho Magana  
3143 San Bernardino Way  
Union City, CA 94587  
(Via U.S. Mail)

**DEBTORS' ATTORNEY**

Nathan David Borris  
Law Offices of Nathan D. Borris  
1380 A Street  
Hayward CA 94541  
nateborris@gmail.com  
(Via NEF)

**TRUSTEE**

Martha G. Bronitsky  
P.O. Box 5004  
Hayward, CA 94540  
13trustee@oak13.com  
(Via NEF)

**U.S. TRUSTEE**

U.S. Trustee  
Department of Justice  
USTPRegion17.OA.ECF@usdoj.gov  
(Via NEF)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 8, 2019

/s/ Lauren Timby  
LAUREN TIMBY